



Notice of Public Meeting of the Hearing Officer of the

City of San Luis

AGENDA

**HEARING OFFICER MEETING
SAN LUIS CITY HALL CONFERENCE ROOM 128
1090 E. Union Street
San Luis, AZ 85349
Tuesday, May 17, 2016, 4:00 P.M.**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the general public that the Hearing Officer will hold a meeting open to the public on May 17, 2016 at 4:00 p.m. at the San Luis City Hall Conference Room 128, 1090 E. Main Street.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Hearing Officer are audio and/or video recorded, and as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent to Department of Development Services to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 has been waived.

- 1. CALL TO ORDER**
- 2. ITEMS TO BE CONSIDERED** – the Hearing Officer will be considering a vote or action on the following cases. Any vote or action will be considered separately for each case.
 - 2. A. MINOR VARIANCE CASE NO. 2016-0237:** This is a request by Celerino A. Gallardo on behalf of Enrique Villareal, property owner, for a minor variance to reduce both side setbacks from 7 feet to 5 feet 8 inches in the Medium-High Density Residential (R-2) Zoning District, Assessor's Parcel #777-60-545. The property is located at 3687 E. Aracely Street, San Luis, Arizona.
- 3. ADJOURNMENT**

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of San Luis does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of San Luis Human Resources Department, 1090 E. Union Street, P. O. Box 1170, San Luis, AZ 85349; (928) 341-8520.



HEARING OFFICER AGENDA ITEM REVIEW FORM

Hearing Officer Agenda

2. A.

Meeting Date: 05/17/2016

Submitted By: Jose A. Guzman, Assistant Planner, Development Services

ITEM:

MINOR VARIANCE CASE NO. 2016-0237: This is a request by Celerino A. Gallardo on behalf of Enrique Villareal, property owner, for a minor variance to reduce both side setbacks from 7 feet to 5 feet 8 inches in the Medium-High Density Residential (R-2) Zoning District, Assessor's Parcel #777-60-545. The property is located at 3687 E. Aracely Street, San Luis, Arizona.

SUMMARY:

The purpose of the minor variance procedure is to allow for up to a maximum twenty percent (20%) variation from a development standard or dimension requirement of the zoning code where a practical difficulty, unnecessary hardship, or a result inconsistent with the general purposes of the rezoning code would occur from its strict, and literal interpretation, and enforcement.

Located at Bienestar Estates No. 9B Subdivision, the lot has an area of 6,209 sq. ft. The current lot is undeveloped. The applicant already has the plans for her new residence that is the reason why for applying for a minor variance.

AGENCY REVIEW:

City staff explained to the applicant the requirements and procedure of a Minor Variance. It was verified that the property-owner would be able to request a Minor Variance and that it would not need to go before the Board of Adjustments.

As part of the review process, all land use cases are reviewed by various City and outside agencies. We have received comments from the following agencies:

1. City of San Luis Fire Department (5-4-16)

The City has not received any other significant concerns or objections from the various review agencies.

The Department of Development Services has reviewed the request and has the following comments:

1. Provided on the City of San Luis Zoning Ordinance Chapter 6- Multiple Residence Zoning Districts- Table No. 5. The side setback require for R-2 Zoning District is 7 feet.

ANALYSIS:

A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with all of the hardship criteria established in A.R.S. §9-462.6 and in Section 3.5 (C) of the Zoning Ordinance.

Pursuant to State Statues, the Board may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district.
2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

The Zoning Administrator or Hearing Officer, upon finding that the variance request does not exceed a

twenty percent (20%) reduction or increase in a development standard or dimension required by this code and can determine that the request complies with the four (4) hardship criteria established in Sec 3.5 (C) of this Ordinance, may approve the minor variance.

In the event the Zoning Administrator or Hearing Officer approves, approves with conditions or denies an application for a minor variance filed pursuant these regulations any person may appeal that decision in writing, including any required appeal fee, within fifteen (15) days of the decision and request that the minor variance be placed on the agenda of the next regularly scheduled Board of Adjustment meeting.

In all cases, the review shall address all of the following hardship criteria:

1. There exist special circumstances or conditions regarding the land or building referred to in the application, which do not apply to other properties in the zoning district.

Staff does not find that there are any special circumstances or conditions relating to this request. The lot is in a rectangular shape and has a generous size to construct a house.

2. The above special circumstances or conditions are preexisting and are not created or self-imposed by the owner or applicant.

There are no special circumstances or conditions. The conditions for the request were created by the property owner and should be corrected through redesign of the plans.

3. The variance is necessary for the preservation of substantial property rights. Without a variance the property cannot be used for purposes otherwise allowed in the zoning district.

The Staff does not find that the construction of this dwelling with reduced setback is necessary to the preservation of substantial property rights. The owner has plenty of space in the lot to redesign the house that would fit in the lot.

4. The authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.

Any reduction of setbacks, even though some changes are minimal, increases the potential fire spread between structures; the comment from Fire Department addresses this issue. As required by the Zoning Ordinance, written acknowledge from each adjacent property owner to the notification of the requested minor variance is necessary. City staff requested a total of four (4) signatures of adjacent property owners and received one (1) signature, because two lots are vacant and the other one is under construction and the owner is unknown.

SUMMARY:

The applicant has provided the information and materials necessary for review of the request.

Staff recommends DENIAL of Minor Variance Case No. 2016-0237, a request by Celerino A. Gallardo, on behalf of Enrique Villareal, property owner, to reduce both side setbacks from 7 feet to 5 feet 8 inches. The property is located at 3687 E. Aracely Street, San Luis, Arizona and is zoned as R-2 (Medium-High Density Residential).

The reason for DENIAL is that the request does not meet the criteria of the City of San Luis Zoning Ordinance for a Minor Variance.

RECOMMENDED MOTION:

I MOVE TO DENY MINOR VARIANCE CASE NO. 2016-0237

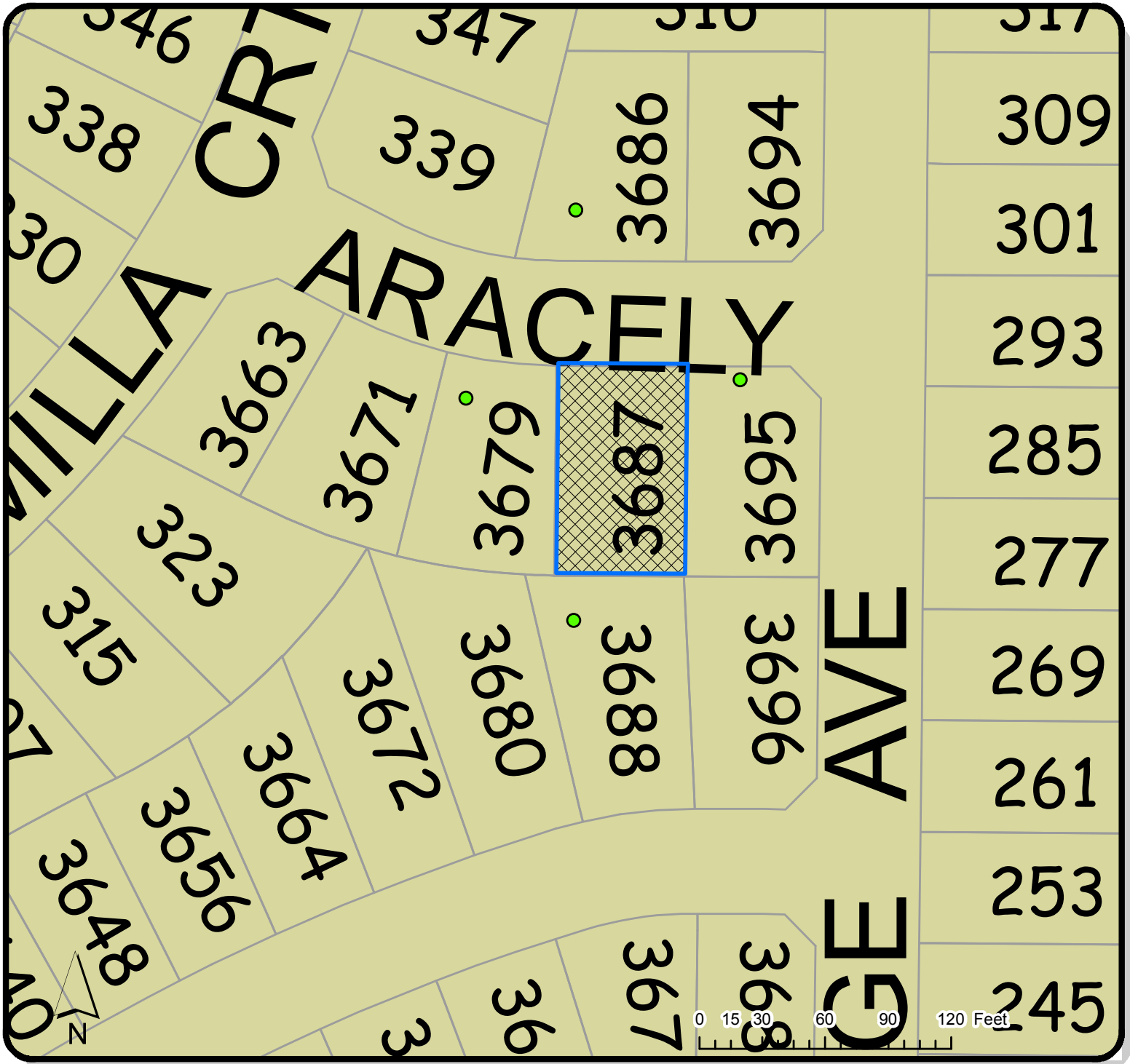
Attachments

Location Map

Site Plan

Signatures from surrounding property owners

Fire Department Comments (4-11-16)



Location Map

MINOR VARIANCE



PROPOSED LOCATION
 PARCEL: 777-60-545
 3687 E ARACELY ST

● ADJACENT PROPERTY OWNERS

ZONING LEGEND

MULTIPLE RESIDENCE ZONING DISTRICTS

 R-2

Date:

5/3/2016

Checked By:

JG



GIS DIVISION

Prepared By:

IG

APPROVED BY:

JS

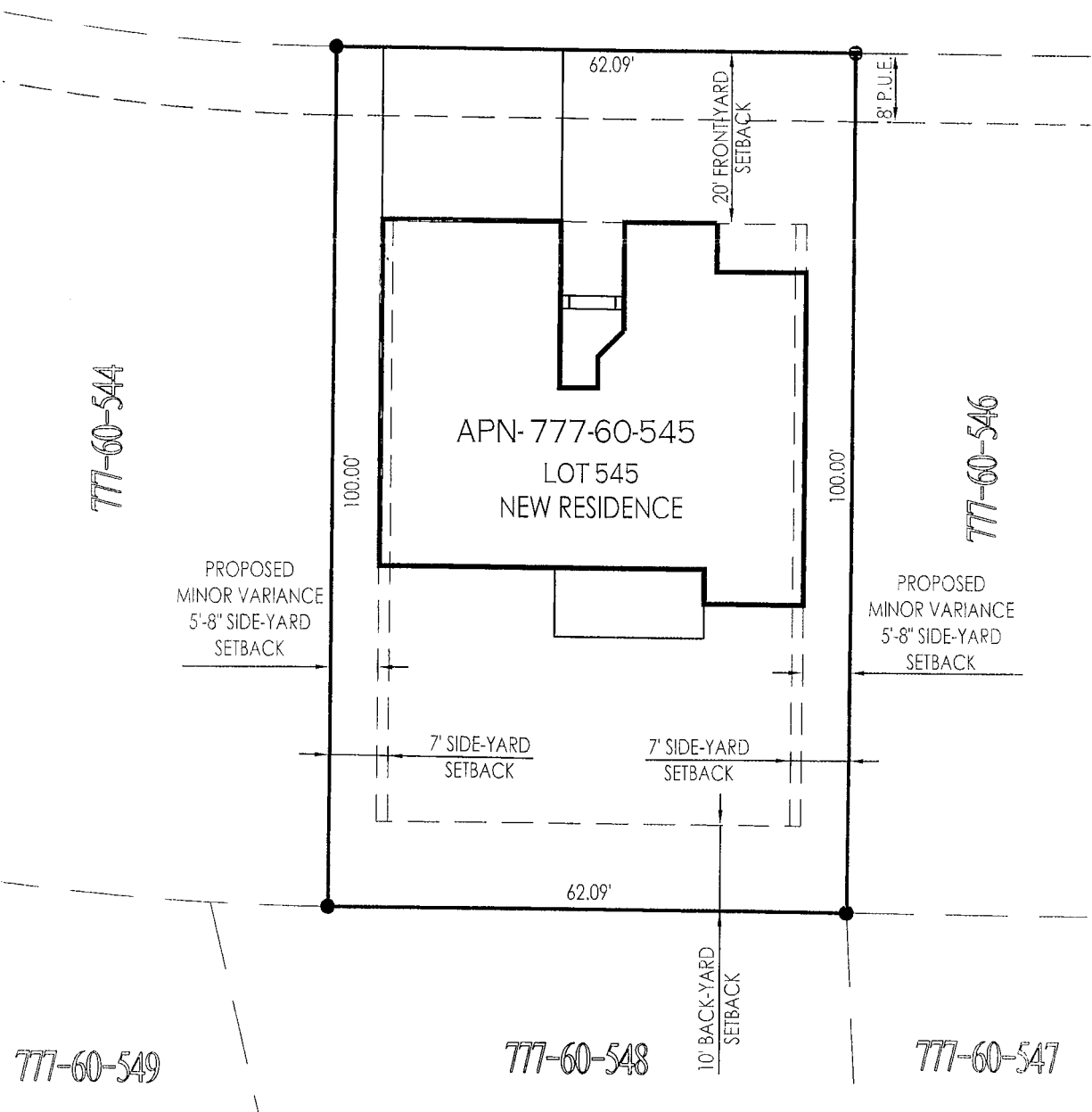
Case No.:

2016-0237



SCALE: 1"=20'

ARACELY STREET



APN- 777-60-545
LOT 545
NEW RESIDENCE

LOT 545 (APN- 777-60-545)
BIENESTAR ESTATES 9B SUBDIVISION
3687 E. ARACELY ST., SAN LUIS, AZ. 85349



Minor Variance Acknowledgment Form

As provided in section 3.8-B.4, "Written acknowledgment to the notification of the requested minor variance(s) from each adjacent property owner, even if separated by a public right of way." The adjacent property owners must sign that they understand the variance request.

I, Enrique Villarreal, own the property located at 3687 E. Aracely St.
I am requesting a Minor Variance for the following: Side Setbacks from
7' to 5'-8"

A site plan is attached for review by the adjacent property owners.

Adjacent Property Owners
We the undersigned adjacent property owners understand the variance requested
by _____ as described above.

Name: _____ Address: <u>3679 E. Aracely St.</u> Comments: _____ Date: _____ Signature: <u>Vacant</u>	Name: _____ Address: <u>3686 E. Aracely St.</u> Comments: <u>New construction Vacant</u> Date: <u>5/4/16</u> <u>unknown owner/Builder</u> Signature: _____
Name: _____ Address: <u>3695 E. Aracely St.</u> Comments: _____ Date: _____ Signature: <u>Vacant</u>	Name: _____ Address: <u>3688 E. Cecilia Torres Ct.</u> Comments: <u>agree</u> Date: <u>5/4/16</u> Signature: <u>[Signature]</u>
Name: _____ Address: _____ Comments: _____ Date: _____ Signature: _____	Name: _____ Address: _____ Comments: _____ Date: _____ Signature: _____

I, _____, verify that I have discussed this proposal with my neighbors, above, and that they acknowledge this request.

x [Signature]
Signature

5/4/16
Date



May 4, 2016

MINOR VARIANCE CASE NUMBER: 2016-0237

CASE SUMMARY: This is a request by Celerino A. Gallardo, agenda on behalf of Enrique Villareal, property owner, for a minor variance to reduce both side yard setback from 7-feet to 5'8- feet to build a new residence in the Medium-High Density Residential (R-2) Zoning District, Assessor's Parcel Number 777-60-545. The property is located at 3687 E. Arcely Street, San Luis, Arizona.

HEARING OFFICER MEETING: May 17, 2016

COMMENTS DUE: May 10, 2016

Your comments on this case will help us prepare an accurate and timely staff report. Your comments on this case will be inserted "as is" into the staff report with your name, department, and telephone number, should the applicant have any questions. Your comments are a public record and will be available to the public, media, and the applicant, in addition to the Commission hearing this case. Please complete the section below and return via e-mail. For additional information please contact me at 928-341-8563, extension 2013, or at jstarkey@cityofsanluis.org.

Thank you
John Starkey
Zoning Administrator
Attachment: Location Map, and Site Plan

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 COMMENTS NO COMMENTS

Enter Comments below:

The City of San Luis Fire Department cannot support this request. Set-backs are established to minimize the spread of fire from one structure across lot lines to a neighbor's building. Permanent structures represent permanent exposures and permanent avenues for fire spread beyond property lines.

Date:
05/04/16

Agency:
City of San Luis Fire Department

Phone:
928/341-8550

Return to: rpacheco@cityofsanluis.org